

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CECIL HOWELL, et al.	)	CASE NO.
	)	
Plaintiffs	)	
	)	
vs.	)	<b>NOTICE OF REMOVAL</b>
	)	
GROUPON, INC., et al.	)	
	)	
Defendants	)	

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant, Groupon, Inc. (“Groupon”), hereby gives notice to this Honorable Court and all parties to this action of its removal of this action, currently pending as Case No. 22 CV 002856, in the Franklin County Court of Common Pleas, to the United States District Court for the Southern District of Ohio, Eastern Division. In support of this Notice of Removal, Groupon states as follows:

1. On April 29, 2022, Plaintiffs, Cecil E. Howell and Debra L. Howell (collectively “Plaintiffs”), filed this action, styled *Cecil E. Howell, et al. v. Groupon, Inc., et al.*, Case No. 22 CV 002856, in the Franklin County Court of Common Pleas.
2. Plaintiffs are citizens of the State of Ohio.
3. The Complaint names Groupon, Fastbuy, Inc. (“Fastbuy”), and the State of Ohio, Bureau of Workers’ Compensation (“BWC”) as defendants.

4. BWC is an arm of the State of Ohio and therefore, not a citizen for diversity purposes. *See Adams v. Frito-Lay, Inc.*, N.D. Ohio No. 1:19CV2084, 2020 U.S. Dist. LEXIS 2528.

5. Groupon is incorporated in the state of Delaware and has its principal place of business in the state of Illinois.

6. Fastbuy is incorporated in the state of New Jersey and has its principal place of business in the state of New Jersey.

7. Jurisdiction is appropriate pursuant to 28 U.S.C. §§ 1332 and 1441 on the basis of diversity of citizenship and the amount in controversy. There is complete diversity of citizenship between the Plaintiffs and the Defendants.

8. Based upon the allegations of the Complaint, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00, as required by 28 U.S.C. § 1332.

9. The state court docket indicates that Groupon was served with the Complaint on May 4, 2022. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446.

10. Fastbuy consents to this removal. A copy of its Consent to Removal is attached hereto as Exhibit A. Fastbuy's consent is timely pursuant to 28 U.S.C. § 1446(b) as the state court docket indicates that it was served with the Complaint on May 5, 2022.

11. The United States District Court for the Southern District of Ohio, Eastern Division, is the proper federal district court for removal as Franklin County, Ohio is within the district and division. Accordingly, venue is appropriate pursuant to 28 U.S.C. §§ 1441 and 1446.

12. Pursuant to 28 U.S.C. § 1446, a copy of all process, pleadings, and orders served upon Defendants are attached hereto.

13. Pursuant to 28 U.S.C. § 1446(d), prompt notice of the filing of this Notice of Removal is being given to the Plaintiffs, and a true and correct copy of this Notice of Removal is being filed with the Clerk of Courts for the Franklin County Court of Common Pleas. A conformed copy of the Notice of Filing Notice of Removal will be placed in the record of this action in this Court as soon as practicable.

Respectfully submitted,

/s/ Jeffrey W. Van Wagner  
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Attorney for Defendant Groupon, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed via the Court's electronic filing system and served via e-mail pursuant to 5(B)(2)(f), this 3<sup>rd</sup> day of June 2022, upon:

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/s/ Jeffrey W. Van Wagner  
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Attorneys for Defendant Groupon, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CECIL HOWELL, et al.	)	CASE NO.
	)	
Plaintiffs	)	
	)	
vs.	)	<b>CONSENT TO REMOVAL</b>
	)	
GROUPON, INC., et al.	)	
	)	
Defendants	)	

Pursuant to 28 USC §1446, Defendant Fastbuy, Inc. hereby consents to the removal of this action from the Franklin County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Eastern Division, by Defendant Groupon, Inc. In consenting to removal, Defendant Fastbuy, Inc. does not waive, and fully reserves any rights or defenses to which it is otherwise entitled, including but not limited to those defenses set forth in Rule 12 of the Federal Rules of Civil Procedure.

DATED: June 2, 2022

Respectfully submitted,

/s/ Raymond H. Decker Jr. [per 6/2/22 email consent]

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